

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Revision of the Commission's Rules)	
To Ensure Compatibility With)	CC Docket No. 94-102
Enhanced 911 Emergency)	
Calling Systems)	

E911 PHASE II IMPLEMENTATION PLAN OF ALLCOM, LLC

REQUEST FOR WAIVER RELIEF

AllCom, LLC ("AllCom"), pursuant to *Public Notice* No. FCC 01-302, released by the Federal Communications Commission ("FCC" or "Commission") on October 12, 2001, hereby submits its E911 Phase II Implementation Plan. As set forth in more detail below, while AllCom is currently not covered by section 20.18(e) of the Commission's regulations, 47 C.F.R. § 20.18(e) (2000) ("Rule"), it nevertheless believes that it will require a waiver of the FCC's "enhanced" 911 ("E911") emergency calling policies when it commences operations that implicate the Rule.

AllCom is currently in the process of implementing an 800 MHz Specialized Mobile Radio ("SMR") wireless communications system based on Motorola's iDEN technology. However, that system, which will serve only Alaska, is not yet operational. AllCom anticipates that it will not commence iDEN operations in Alaska until June 2002, at the earliest. The 800 MHz SMR channels that will comprise AllCom's iDEN system support legacy analog systems or

in some cases are non-operational.^{1/} Because AllCom currently does not offer interconnected wireless services to the public for a profit, much less offer frequency reuse and call hand-off, it is not covered by the Rule. However, as noted above, AllCom will likely commence iDEN services covered by the Rule in June 2002. Accordingly, unless AllCom secures a waiver from the FCC, it may not be compliant with the Rule when it commences iDEN operations.

AllCom seeks waiver of the Rule because it likely cannot implement E911 compliant technology by June 2002. Like other iDEN carriers such as Nextel Communications, Inc. (“Nextel”), AllCom has selected Motorola’s Assisted GPS (“AGPS”) technology as its E911 solution. However, for reasons beyond AllCom’s control, and as the Commission is aware, AGPS technology will likely not be commercially available until October 2002, assuming that Motorola’s current delivery timetables are not further altered. Thus, because AllCom faces precisely the same technology delivery issues as does Nextel, there is no reason not to afford AllCom the same relief that the Commission extended to Nextel. See Wireless E911 Phase II Implementation Plan of Nextel Communications, Inc., Order, FCC 01-295, rel. Oct. 12, 2001 (“*Nextel Decision*”). For this reason, AllCom supports a blanket waiver for all iDEN carriers that selected AGPS technology and will rely on Motorola’s delivery timetable.

Moreover, AllCom faces challenges that are more severe than those faced by other wireless providers. As an initial matter, AllCom is initiating services for the first time: implementing a new wireless network. Needless to say, the resources for this implementation are limited; AllCom does not have a research and development or technology assessment capability similar to larger or more well-established carriers. AllCom currently only has seven

^{1/} AllCom previously sought and obtained a waiver of section 90.631 of the FCC’s regulations to permit this temporary discontinuance of operations, and will separately update the

employees, and simply does not have the resources to field-test E911 technology platforms. Instead, AllCom has reasonably relied on its selected technology vendor, Motorola, and is committed to AGPS technology. Further, the only geographic area where AllCom will be providing services, Alaska, is a harsh environment where few wireless services are offered. AllCom will be initiating services in certain areas that currently have no digital wireless services, much less services as sophisticated as iDEN. If AllCom diverted resources from its implementation activities to exhaustive E911 planning and compliance efforts, no iDEN services could be offered at all -- a perverse result that would not serve the public interest.

In its *Nextel Decision*, the FCC provided Nextel with a clear path to full compliance with the Rule by specifying an amended implementation schedule by which Nextel would be required to introduce and activate E911-capable handsets. *Nextel Decision* at ¶ 37. AllCom today believes that it can meet those same implementation targets. However, the *Nextel Decision* imposes additional conditions upon Nextel, such as quarterly reporting requirements. *Nextel Decision* at ¶¶ 31-32. The imposition of similar conditions on AllCom would not serve the public interest, for several reasons. First, unlike other carriers that are currently seeking relief, AllCom has not violated the Rule. Accordingly, Enforcement Bureau involvement in this matter would be premature and unnecessary. Further, as noted above, AllCom will generally rely on the same Motorola delivery schedule as Nextel and other iDEN carriers. The Commission should presume that AllCom will meet its amended E911 obligations, or will otherwise seek additional relief if necessary; a contrary presumption of noncompliance is not supported by the evidence.^{2/}

Wireless Telecommunications Bureau of its currently-estimated date for commencement of iDEN services.

^{2/} *Nextel Decision* at ¶ 31 (“[M]ere assertions of compliance . . . with our rules are not sufficient to show compliance. . . .”). This approach is flatly inconsistent with recent FCC precedent, where the agency indicates that it increasingly relies on licensees’ assertions of

Requiring AllCom to submit quarterly reports is therefore overly burdensome^{3/} and will not serve the public interest.

Based on the foregoing, AllCom urges the Commission to permit it to introduce E911-capable handsets in conformance with the amended schedule offered to Nextel.

Respectfully submitted,

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compliance in lieu of exhaustive reports or other showings. See *Streamlining of Mass Media Applications, Rules, and Processes*, 13 FCC Rcd 11349, ¶ 47 (1998) (“We would rely more heavily on certifications by applicants that they comply with the applicable rules. By so doing, we do not intend at all to lower our expectation that licensees conduct themselves as public trustees.”). Requiring carriers such as AllCom to adhere to the exhaustive reporting scheme specified in the *Nextel Decision*, however well-intentioned, is therefore a step in the wrong direction.

^{3/} The implementation targets specified in the *Nextel Decision* are yearly targets, but the FCC requires Nextel to submit quarterly reports. Further, AllCom believes that it is overly burdensome to require a wireless carrier to serve its reports on non-governmental entities such as APCO, when the Commission already declares that the same information will be posted on its website. *Nextel Decision* at ¶ 32, n. 75. Accordingly, if the FCC abandons its recent precedent and nevertheless indicates that periodic reports are required, it should streamline the reporting process and make it manageable for smaller carriers such as AllCom.